IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA NORTHERN DIVISION No. 2:20-CV-14-D

ANGELA FELTON, and ARTHUR FELTON,)	
Plaintiffs,	}	
v.	ORDER	
ALBEMARLE REGIONAL)	
HEALTH SERVICES, et al.,)	
Defendants.)	

On March 31, 2020, Donald W. Overby, August B. Elkins II, and Joshua H. Stein (collectively "the State defendants") moved to dismiss plaintiffs' complaint pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure [D.E. 15] and filed a memorandum in support [D.E. 16]. The State defendants argue that: (1) plaintiffs' purported claims under 18 U.S.C. § 241 and § 242 are not cognizable under 42 U.S.C. 1983; (2) the Eleventh Amendment bars any claims against the State defendants in their official capacities; (3) judicial immunity bars any claims against defendants Overby and Elkins; (4) plaintiffs' complaint otherwise fails to state claims against the State defendants upon which relief can be granted; and (5) the State defendants are entitled to qualified immunity. See [D.E. 16] 4–19. On April 9, 2020, plaintiffs responded in opposition [D.E. 32]. On April 13, 2020, the States defendants replied [D.E. 23].

The court has considered the entire record and governing law. The court GRANTS THE State defendants' motion to dismiss [D.E. 15]. See [D.E. 16] 4–19. Plaintiffs' complaint is DISMISSED WITHOUT PREJUDICE.

SO ORDERED. This $\underline{I_o}$ day of May 2020.

JAMES C. DEVER III

United States District Judge